

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CHAPTER 11
)	
THE KRYSTAL COMPANY, <i>et al.</i>,)	CASE NO. 20-61-65-PWB
)	
Debtors.)	(Jointly Administered)
)	

NOTICE OF OBJECTION TO CURE AMOUNT OF C&L PROPERTIES, INC.

COMES NOW C&L Properties, Inc. (“Landlord”) one of the Debtors’ Landlords at two (2) of the properties currently being operated by the Debtors, and hereby provides notice of its objection to the cure amounts assigned to the Lease Agreements for non-residential real property located at 4845 San Juan Avenue, Jacksonville, Florida (“Lease JAX001”) and 6655 S. US Highway 17 & 92, Fern Park, Florida (Lease “ORL005”) and in support thereof show the following:

Jurisdiction

1. On January 19, 2020, Debtors filed their bankruptcy petitions under Chapter 11 of Title 11.
2. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§157(b)(1) and 1334. This is a core proceeding pursuant to 28 U.S. C. §157(b). Venue is property pursuant to 28 U.S. C. §§1408 and 1409.

Factual History

3. On or about February 12, 2020, Debtors filed a motion to sell assets pursuant to Section 363 of the Bankruptcy Code (Doc. No. 148).

4. On March 4, 2020, the Court issued an order (Doc. No. 227) approving the bidding procedures for the sale of Debtors' assets pursuant to Section 363 of the Bankruptcy Code.

5. On April 7, 2020, The Krystal Company, et al. ("Debtor" or "Tenant"), filed its *Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* (Doc. No. 310) ("Notice").

6. The Notice includes cure costs for each contract based upon Debtors' records.

7. The Notice includes Exhibit "A" which lists all potential executory contracts and unexpired leases subject to sale together with their proposed cure amounts.

8. On page 9 of the Notice, Landlord is listed as having cure amounts of \$30,014.98 for Lease JAX001 and \$9,206.61 for Lease ORL005 under the leases between Landlord and Tenant.

9. Tenant has underestimated the amount due to Landlord. The amounts owing to Landlord amount to **\$41,552.05** consisting of the following:

Amount Owed:

PRE-PETITION RENT	<u>JAX001</u>	<u>ORL005</u>	<u>TOTAL</u>
December Rent:	\$11,257.49	-----	\$11,257.49
January Rent:	\$ 9,830.46	-----	\$ 9,830.46
Total Pre-Petition Rent:	\$21,087.95		\$21,087.95
POST-PETITION RENT			
April Rent:	\$11,257.49	\$9,206.61	\$20,464.10
TOTAL CLAIM AMOUNT:	<u>\$32,345.44</u>	<u>\$9,206.61</u>	<u>\$41,552.05</u>

WHEREFORE, the Landlord respectfully requests that the Court find that the full cure amount owed to the Landlord, as of the date of this submission, for amounts due under the Leases

designated as Lease JAX001 and Lease ORL005, respectively, to be \$41,552.05 and that the Debtors be direct to so designate these amounts as the cure amounts due upon any assumption and assignment of the Lease, together with such other and further relief as this Court deems just and proper.

Dated this 27th day of April, 2020

Bose McKinney & Evans LLP
Counsel for C&L Properties, Inc.

By: /s/ Christopher S. Roberge

111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
(317) 685-5120
(317) 223-0120
croberge@boselaw.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 27, 2020, a copy of the foregoing *Notice of Objection to Cure Amount of C&L Properties, Inc.* is being filed electronically via the Court's CM/ECF system. Notice of the filing will be served via the Court's CM/ECF system upon all parties registered to receive notice in the above captioned case.

/s/ Christopher S. Roberge
Christopher S. Roberge

BOSE MCKINNEY & EVANS LLP
111 Monument Circle, Suite 2700
Indianapolis, Indiana 46204
Telephone: (317) 684-5120
Facsimile: (317) 223-0120
croberge@boselaw.com